

***Advantages of joining the 1980 Hague Convention
on the Civil Aspects of International Child Abduction***



1. The 1980 Hague Convention on the Civil Aspects of International Child Abduction (the Convention) facilitates the prompt return of abducted children to their country of habitual residence and helps deter international parental child abduction (IPCA). To that end, India's positive response and interest to accede to the Convention is applauded and perceived as having great potential for responsible, regional and global, leadership to address this crime.
2. The intention of the Hague Abduction Convention is to provide a uniform, civil legal framework to attempt to minimize the harmful, emotional impact of an abduction on a child by returning him/her promptly to the country of habitual residence, where the appropriate court can hold a hearing to determine custody and access in the best interests of the child.
3. India is the second largest destination country worldwide for IPCA originating in the U.S. It also appears that India will continue to be a significant destination for IPCA as more and more Indian citizens with close family ties to India are choosing to study and work in the U.S.
4. IPCA impacts Indian parents. Most U.S. citizen child abductions to India involve Indian citizens left-behind parents in the U.S. who are unable to see their children or be a part of their lives.
5. As the Convention is a global tool that addresses the global problem of international abductions, the U.S. Department of State places a high priority on encouraging India to accede to the Convention. There are 90 countries which have signed the Convention. Most of these countries are in Europe and Americas, with very few in Africa and Asia.
6. A common misconception of the Convention is that it facilitates the return of the child to the parent in the U.S. On the contrary, the Convention does not address who should have custody of the child but focuses on the return of the child to the country of habitual residence (which could be the U.S. or India) where a competent court will make child custody decisions.